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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/785,876      | 02/16/2001  | Keith Homer Baker    | 8427                | 9097             |

27752 7590 09/03/2003

THE PROCTER & GAMBLE COMPANY  
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EXAMINER

ELHILO, EISA B

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/785,876

Applicant(s)

BAKER ET AL.

Examiner

Eisa B Elhilo

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 30-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

- 1 This action is responsive to the appeal brief filed on 6/18/2003.
- 2 Upon further review and consideration the prosecution is reopened. Exparte prosecution is resumed.

### NEW GROUND OF REJECTION

#### *Claim Rejections - 35 USC § 102*

- 3 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-8 (amended), 9-11 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishikawa et al. (5,306,435).

Ishikawa (US' 435) teaches a treating composition comprising polymeric soil release agent carboxymethylcellulose (polysaccharide) and surfactants (spreading agents) of anionic, cationic and nonionic as claimed in claims 1-3 and 7-8 (see col. 4, lines 43-48), wherein the surfactants present in the amount of 1 to 20% which falls within the claimed range as claimed in claim 31 (see col. 3, line 61), solubilizing and drying agent such as ethanol as claimed in claims 10-11 (see col. 8, line 36-37) antimicrobial agent (microbicide) as claimed in claim 9 (see col. 8, line 3) Ishikawa teaches all the limitations of the instant claims, Hence, the claims are anticipated by Ishikawa.

- 4 Claims 1-3, 7-11 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by de Buzzaccarini (US 4,767,563).

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De Buzzaccarini (US' 563) teaches a liquid cleaning composition comprising a polymeric soil release agent carboxymethylcellulose as claimed in claim 3 (see col. 4, lines 49-50), alkylated polysaccharides as claimed in claim 2 (see col. 5, line 11), nonionic surfactants (spreading agents) as claimed in claims 1 and 7-8 (see col. 3, lines 60-61), wherein the surfactants in the amount of 1 to 20 % which is within the claimed range as claimed in claim 31 (see col. 4, lines 14), antimicrobial agent (bactericide agent) as claimed in claim 9 (see col. 4, line 61) and drying agents such as ethanol as claimed in claims 10-11 (see col. 5, lines 9-11). De Buzzaccarini teaches all the limitations of the instant claims. Hence, de Buzzaccarini anticipates the claims.

***Claim Rejections - 35 USC § 103***

5 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6, 12 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al. (US 5,306,435).

Ishikawa (US' 435) teaches shoe treating composition (see col. 12, line 36) comprising polysaccharide carboxymethylcellulose (see col. 4, line 48), ethanolic solution of antimicrobial agent as claimed in claim 12 (see col. 8, lines 3-37) and surfactants (spreading agents) in the amount of 0.2 to 30% which is overlapped with the claimed range as claimed in claim 30 (see col. 3, line 60).

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The instant claims differ from the reference by reciting a treating composition comprising a polysaccharide having the molecular weights of less than about 1,000,000, 500,000 and 250,000 as claimed in claims 4-6.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make such a composition by incorporating polysaccharide compounds having an average molecular weight of less than 250,000 with a reasonable expectation of success, and, thus, a person of the ordinary skill in the art would expect such a composition to have similar properties to those claimed, absent, unexpected results.

6 Claims 12 and 27-29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Buzzaccarini (US 4,767,563).

De Buzzaccarini (US' 563) teaches a cleaning composition comprising a polymeric soil release agent carboxymethylcellulose in the amount of 0.01% or higher depending on the desires of the formulator (see col. 4, lines 49-53) and surfactants (spreading agents) in the amount of 2 to 8% which is overlapped with the claimed range as claimed in claim 30 (see col. 4, line 14-15), an aqueous solution in ethanol of an antimicrobial agent (bactericide agent) (see col. 4, line 61 and col.5, lines 9-11).

The instant claims differ from the reference by reciting polymeric soil release agent and spreading agent in an optimal amount as claimed in claims 27-29 and 31.

However, the reference teaches a cleaning composition comprising 0.01% or higher of a soil release agent carbomethylcellulose (see col. 4, lines 49-53) and surfactants (spreading agents) in the amount of 2 to 8% (see col. 4, lines 14-15).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make such a composition with a reasonable expectation of success because the reference teaches clearly that carboxymethylcellulose may be presented in the composition in the amount of 0.01% or higher depending on the desires of the formulator (see col. 4, lines 49-53) and surfactants (spreading agents) in the amount of 2 to 8% which is overlapped with the claimed range (see col. 4, line 14-15), and, thus, a person of the ordinary skill in the art would be motivated to optimize the amount of carboxymethylcellulose and spreading agent in the composition so as to get the maximum effective amounts, and would expect such a composition to have similar properties to those claimed, absent, unexpected results.

#### ***Response to Applicant's Arguments***

7 Applicant's arguments with respect to claims 1-12 and 27-31 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B Elhilo whose telephone number is (703) 305-0217. The examiner can normally be reached on M - F (7:30-5:00) with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

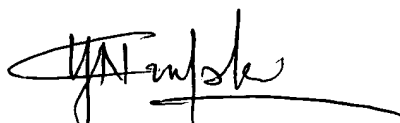
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Elhilo  
August 23, 2003



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